



# Iowa Department of Human Services

Terry E. Branstad  
Governor

Kim Reynolds  
Lt. Governor

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Director

January 27, 2014

<b>Date Complaint Received:</b> 1/6/14
<b>Complaint Received By:</b> Chad Reckling, SW II
<b>Provider Name and Location:</b> Annette Cain 2820 LeSylvia Drive Burlington IA 52601
<b>Complaint:</b> It was reported to the department that Annette assaulted a household member in front of daycare children that were present within the home.  It was also reported to the department that Annette has allowed her adult children to watch the daycare children when Annette has been away from the home. One of these adult children was allegedly involved in a physical altercation with their paramour while watching the children.  It is reported that a household member who is a convicted felon would drive daycare children to school while under the influence of marijuana. This same household member reportedly sells marijuana out of the home with daycare children present.  It is reported that Annette has recently allowed two other adults to reside in the home. One adult is reportedly a convicted felon and uses marijuana.  It is reported that the daycare children “get berated with cussing”.  Rule Basis: <b>IAC 110.7(3) Record checks. The department shall submit record checks in Iowa for each registrant, substitute, and staff member, and for anyone living in the home who is 14 years of age or older and anyone having access to a child when the child is alone. The purpose of these record checks is to determine whether the person has committed a transgression.</b>  <b>IAC 110.5(1) Conditions in the home are safe, sanitary and free of hazards.</b>  <b>IAC 110.5(1)o Smoking and the use of tobacco products is prohibited at all times in the home and vehicles used to transport children. Smoking and use of tobacco products prohibited in outdoor play area during hours of operation.</b>  <b>110.5(6) Discipline</b> <b>110.5(6)a Corporal punishment including spanking, shaking and slapping is not used.</b> <b>110.5(6)b No punishment is used which is humiliating or frightening, or causes pain or discomfort to the child.</b> <b>110.5(6)c No punishment is administered because of a child’s illness, or progress or lack of progress in toilet training.</b> <b>110.5(6)c No punishment or threat of punishment is associated with food or rest.</b> <b>110.5(6)d No child is subjected to verbal abuse, threats, or derogatory remarks about the child or the child’s family.</b> <b>110.5(6)e Discipline is designed to help the child develop self-control, self-esteem, and respect for the rights of others.</b>

**110.5(9) The provider meets the following requirements:**

**110.5(9)d If absence is planned, care is provided by a DHS-approved substitute.**

**Findings:**

1/8/14 This worker spoke with social worker Pam Bloomer. She had gone out and met with Annette yesterday and confronted her on the allegations. Annette stated that the incident occurred with her paramour on December 28, 2013 and not over the weekend as the allegations report. She stated that they did have a verbal argument in front of the children that day (there were 6 daycare children present and 2 relative children). Annette denied putting her paramour in a headlock since her paramour is 6 foot tall and would not be able to be contained by her but she did admit to getting into a verbal argument with him about taking food from her pantry and started throwing food toward his direction. Annette denied that the children were in harm's way when this was occurring but stated that her own relative children were picking up the cans of food and putting them behind the couch so that "grandma would have food in the house". Social worker Bloomer interviewed other daycare children about altercations involving Annette and her paramour. Children have reported that they have heard her get into verbal arguments over the phone and one child reported that they did not feel safe when the altercation was occurring on 12/28/13 with her paramour.

Annette stated that she has had Kenneth who is an approved substitute/assistant care for her children while she has been away from the home and has allowed Shania (who is an approved assistant) to watch the children while she has been away from the home. She denies that one of her adult children has driven daycare children to school or has watched the children while she has been away from the home.

Annette reported to social worker Bloomer that one of her adult children recently came to live with her on 1/6/14 in the home and she received a call from the Central Registration Unit when social worker Bloomer was there asking them to send her background check forms for this individual to become a household member.

Social worker Bloomer stated that Annette appeared to be fairly upset over the allegations against her and was anxious with regards to how they may affect her daycare registration as this is her livelihood. Social worker Bloomer entered into a verbal safety plan with her on that date that she would not engage in any verbal or physical altercations with daycare children present at that she would not allow her former paramour onto the premises.

1/8/14 This worker met with Annette regarding the allegations. There was one daycare child present during the visit today. One of Annette's adult children was present in the home today. Annette explained that the children were in the play room and living room when the incident occurred. She stated that there were four daycare children present and 2 relative children there when it happened. Annette stated that it all started when the household member smashed their cell phone on the kitchen counter top. This household member started to load up food from the kitchen cabinets and then Annette and the household member's child started to get into a verbal altercation in the kitchen. Annette stated that one of her relative children that was present in the home started to cry when this started. Annette did admit to throwing can goods in a box by the garage door but stated that no children were present next to this box. Annette stated that she has had problems dealing with anxiety and high blood pressure issues. After the incident occurred she stated that she explained to all of her daycare parents and the children what happened with the household member.

Annette denied ever allowing any of her adult children to watch the daycare children while she was away from the home. She did state that she recently found out that over the summer of 2013 that her approved substitute was watching the children and her adult son was over at the house cooking a meal. This adult son observed the substitute go outside and thought that they were going outside to smoke a cigarette but this substitute had left the house. It was thought that they had left the house for approximately 20-30 minutes. This substitute had come back when Annette had come back to the home.

Annette reported that another female substitute had watched her daycare children a couple of times when either the provider was there or gone when this substitute was residing in the home. Annette stated that this female had been approved as a substitute/assistant at the time this was done approximately 2 years ago.

Annette denied that her adult son has smoked marijuana, sold marijuana or drove daycare children to school while high on marijuana around her daycare children. Annette's adult son who was present in the home stated that this person would never jeopardize their mother's daycare business as they know that this is her livelihood.

Annette denied that her brother has ever lived in the home. She stated that he has been over to the house maybe three times since she has done daycare out of her home. Annette denied ever seeing any illegal activity from her brother while at her daycare home.

Annette is currently in the process of getting her adult son who is living in the home approved to be there. She stated that the central registration unit is sending background check forms to her. This adult son started residing with her on 1/5/14.

Annette denied cussing at her daycare children and stated that she utilizes the follow forms of discipline for her daycare children: corner, talking with the child, quiet time or sit down time.

This worker indicated to Annette that the daycare complaint would be substantiated based on the fact that there was an altercation which took place in her daycare home when daycare children were present and that some daycare children felt unsafe when this was occurring and that when she was occupied in dealing with the situation that she could not properly attend to or supervise her daycare children to the best of her ability. Annette even admitted to this worker that she had told the others involved with the altercation that they were "interrupting her daycare business". Annette indicated that this household member would not be returning to her home. This worker also had a conversation with Annette about insuring that she remains professional with her daycare parents despite having a good working relationship with them and that she should not use them as a sounding board for her adult issues. Annette assured this worker that she would not.

This worker completed a full compliance check of the home today. Non-compliance items were noted. Please refer to completed checklist and letter in the file for further information. This worker did not observe any evidence of illegal drug usage in the home during today's visit.

1/13/14 This worker spoke with social worker Bloomer. It was reported to her that a female household member would pick up daycare children from school and would watch children while Annette was gone from the home. Shania is not approved as a substitute caregiver at this time. It was

also reported to social worker Bloomer that Annette would use wooden spoons as forms of discipline with her daycare children. Social worker Bloomer stated that none of the daycare children have reported to her that physical discipline has been utilized on them.

1/17/14 This worker asked Annette if she had ever utilized Shania to pick daycare children up from school or watch them when she has been gone from the home. Annette denied these claims. This worker asked Annette if she has ever used physical discipline, specifically wooden spoons as means of discipline with her daycare children. Annette denied ever doing this.

This daycare complaint is **substantiated**. There was an altercation which took place in Annette's daycare home when daycare children were present and that some daycare children felt unsafe when this was occurring and that when she was occupied in dealing with the situation that she could not properly attend to or supervise her daycare children to the best of her ability. Annette even admitted to this worker that she had told the others involved with the altercation that they were "interrupting her daycare business".

**Resolution:** This worker had Annette sign a safety plan with the department that included the following conditions:

1. Annette will insure that she does not engage in any verbal or physical altercations with others when daycare children are present in her home.
2. Annette will insure that she provides "careful supervision at all times" to her daycare children.
3. Annette will not allow male household member to return to the home for the duration of the ongoing department's investigation.

Annette will have all non-compliance items noted in the 1/8/14 visit completed by **2/24/14**.

If you have any questions regarding this matter feel free to contact me at 1-888-381-6831 or [creckli@dhs.state.ia.us](mailto:creckli@dhs.state.ia.us).

Sincerely,

Chad Reckling, Social Worker II  
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